

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40102 of 2012

1.Krishna Prasad , son of Late Madan Sao
2. Sumitra Devi, wife of Krishna Prasad, both are residents of Mohalla-
Chandmari Road(in front of Shakti Kirana Store)P.S. Kankarbagh, Dist-
Patna.

.... Petitioner/s

Versus

1.State of Bihar
2. Kavita Devi Guddi wife of Anil Kumar, D/o Ramjee Prasad, resident of
Mohalla-Road No.2, Budh Nagar, Postal Park, P.S.-Kankarbagh, District-
Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : M/S. Manish Kumar& Arun Kr. Singh
For the Opposite Party no.1 : Mr. Shailendra Kumar-1 (App)

For opposite party no.2 : Satyavrat Verma & Shashank Chandra

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 23-04-2015 Opposite party no. 2 is the wife of the son of the
petitioners herein. She submitted a complaint against the
petitioners, their son and other family members alleging offences
under section 498-A of the Indian Penal Code and sections 4 and 5
of the Dowry Prohibition Act.

2. The trial court, however, took cognizance of the
offences only against the petitioners and their son, by name Anil
Kumar, through the order dated 18-8-2012. The petitioners have
challenged the same. According to them, the complaint was filed

only with a view to harass the petitioners, and there is no truth in it.

3. Through the supplementary affidavit the petitioners have placed before this Court, a petition filed by opposite party no.2 and her husband to the effect that the dispute between them has been compromised, and they are living peacefully. The court of Subdivisional Judicial Magistrate, Patna, passed an order dated 12-4-2013 on the same.

4. Heard learned counsel for the petitioners, learned Additional Public Prosecutor and learned counsel for complainant-opposite party no.2.

5. Whatever may be circumstances under which opposite party no.2 submitted complaint against the petitioners and their son, or for that matter, the trial court has taken cognizance of the offences, there is substantial development in the matter. The complainant has filed an application, along with her husband stating that the dispute between them has been resolved due to intervention of the well-wishers and elders, and they are living happily. The gravity of the allegation in the matter of this nature is mainly against the husband of the complainant, and other members figure as abettors. Once the grievance of the complainant no longer subsists, there is hardly any basis in continuing the

proceedings against the petitioners.

6. Therefore, this application is allowed, and the order dated 18-8-2012 in so far as taking cognizance against the petitioners is quashed.

(L. Narasimha Reddy,CJ)

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